

In re Application of
Frank D. Husson, Jr.
Application No. 10/039,277

Atty. Dkt. No. SOLAR1120-3
(051264-0306)

AMENDMENTS TO THE DRAWINGS

Attached Exhibits 1 and 2 include amendments to the drawings including changes to FIG. 1. Specifically, FIGS. 1(A) and 1(B) replace the original FIG. 1. In FIG. 1(B), previously un-illustrated element **121** has been added. Exhibit 1 includes annotated copies of FIGS. 1(A) and 1(B). Exhibit 2 includes replacement sheets for FIGS. 1(A) and 1(B).

REMARKS

Applicant's invention relates to a simple, inexpensive and portable apparatus for heating and pasteurizing liquids, such as for example water, and methods for using and forming the apparatus. In particular, the invention is directed to such an apparatus adapted to operate using solar energy as a heat source. As recited in claim 1, the invention apparatus comprises a flexible water-tight resealable container having at least one resealable opening. The opening includes at least one water-tight spout with a mating resealable cap, which includes a bracket for receiving one or more reusable temperature indicators. The temperature indicator is a glass tube containing wax adapted to melt at pasteurization temperatures. Thus, by using the indicator, the user can be sure the contents of the apparatus are safe for consumption. The cited references, either individually or in combination, fail to disclose, teach or suggest the invention as recited in claim 1.

Claims 1, 3, 6, 7, 9, 10, 12-15, 17-22, 26, 37-39, 43, 44 and 47 are currently pending in the application. A complete listing of the claims is provided herewith, beginning on page 4 of this document.

Applicant respectfully requests consideration of the attached declaration of the inventor, Frank D. Husson, Jr., under 37 C.F.R. § 1.132 (attached hereto as Exhibit 3). Affidavits or declarations containing evidence of criticality or unexpected results, commercial success, long-felt but unsolved needs, failure of others, skepticism of experts, etc., must be considered by the Examiner in determining the issue of obviousness of claims for patentability under 35 U.S.C. § 103. See MPEP 716.01(a). The attached declaration and accompanying exhibits illustrate the need for effective, easy to use, low cost water pasteurization devices in rural areas and underdeveloped nations where suitable drinking water may not be readily available. Further, the lack of suitable alternatives currently available in the marketplace illustrate the unsolved need for such devices. As shown in Exhibits A-D, claim 1 of the present

application provides a simple, low maintenance system with which users, including uneducated Third World residents, are able to produce potable drinking water. The emails provided in Exhibit F provide evidence of a substantial worldwide need for a system such as is provided in claim 1 of the present application, as well as the interest in implementing production and distribution and expected commercial success of the low cost water heater and pasteurization system provided in the present invention.

This communication addresses all of the rejections and objections raised in the most recent Office Action. The declaration of the inventor under 37 C.F.R. § 1.132, amendments to the drawings and specification, and remarks presented herein place this application in condition for allowance, or in better form for consideration on appeal. Entry of the declaration and amendments is respectfully requested. Reconsideration and allowance of all claims is respectfully requested.

Claims 1, 3, 6, 7, 9, 10, 12-15, 17-22, 26, 37-39, 43, 44 and 47 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over a combination of seven (7) references, i.e. Luboschik et al (DE 28 51 793) in view of Ryder (U.S. Pat. No. 3939968) with Zwaron (U.S. Pat. No. 4187799), Brewer (U.S. Pat. No. 2847067), Burkhardt (U.S. Pat. No. 4557251), Hall (U.S. Pat. No. 4520793) and Kircus (U.S. Pat. No. 4328790). Further, claims 10, 14, 15 and 44 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over a combination of eight (8) references, i.e. Luboschik et al in view of Ryder, Zwaron, Brewer, Hall and Kircus, as applied to claims 1 and 43, and further in view of Stoumen (U.S. Pat. No. 6263870). The drawings are objected to under 37 C.F.R. § 1.83(a) as failing to show every feature of the claimed invention. By this communication, Applicant traverses these rejections for at least the reasons set forth in the reply dated February 19, 2004.

Moreover, to the extent the rejections of the claims rely on Ryder (which discloses a system for holding contact lenses), the reference is non-analogous to the present invention.

Ryder does not relate to a system for the pasteurization of liquids, but rather relates to the sterilization of contact lenses. The Examiner's reliance upon the definitions of "sterilize" and "pasteurization" in efforts to support the position of Ryder as analogous art is submitted to be improper. Pasteurization of liquids for consumption using solar energy and externally applying heat for the sterilization of contact lenses are non-analogous. Therefore, reliance upon Ryder is improper.

The objection to the drawings under 37 C.F.R. § 1.83(a) as allegedly failing to show every feature of the claimed invention is unwarranted. The Examiner's attention is drawn to 35 U.S.C. § 113 and 37 C.F.R. § 1.81(a), which indicates that the applicant for a patent is only required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented. It is submitted that the subject matter of the present application is clear to one of ordinary skill in the art without a drawing being required.

However, in order to reduce the issues and expedite the prosecution of this application, FIG. 1 has been amended. Specifically, bracket (121) has been added to FIG. 1(B) to reflect all the features of claim 1. Paragraph [0062] of the specification has been amended to reflect the amendment of FIG. 1. Support for these amendments is found at page 15, lines 5-9 of the original specification wherein it states:

Alternatively, the WAPI can be positioned within the cap employed to seal the resealable opening, thereby facilitating introduction and removal thereof from the container. As yet another alternative, the resealable opening itself could be configured so as to receive one or more WAPI's therein, holding the WAPI in place for ease of introduction and removal.

Further support is found at page 15, lines 26-30, wherein it states:

Any fastening means (e.g. a nylon string, a bracket within the cap for the container, a slot for receiving the temperature sensing means as part of the

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energy converting structure, and the like) is suitable for use in the practice of the present invention, so long as there is some means provided to facilitate manipulation and/or retrieval of the tube without recontamination of the water.

Thus, the present amendments to the drawings and specification are fully supported by the specification, as originally filed, and thus no new matter is added by these amendments.


The Examiner is invited to contact the undersigned by telephone in the event any issues remain in view of this communication so that a prompt disposition of this application can be achieved.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date 3/14/05

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Attachments: Exhibit 1; Annotated Sheets for FIG. 1(A) and FIG. 1(B)
 Exhibit 2; Replacement Sheets for FIG. 1(A) and FIG. 1(B)
 Exhibit 3; Declaration of Frank D. Husson, Jr.

Exhibit 1

Annotated Sheets for FIGS. 1(A) and 1(B)

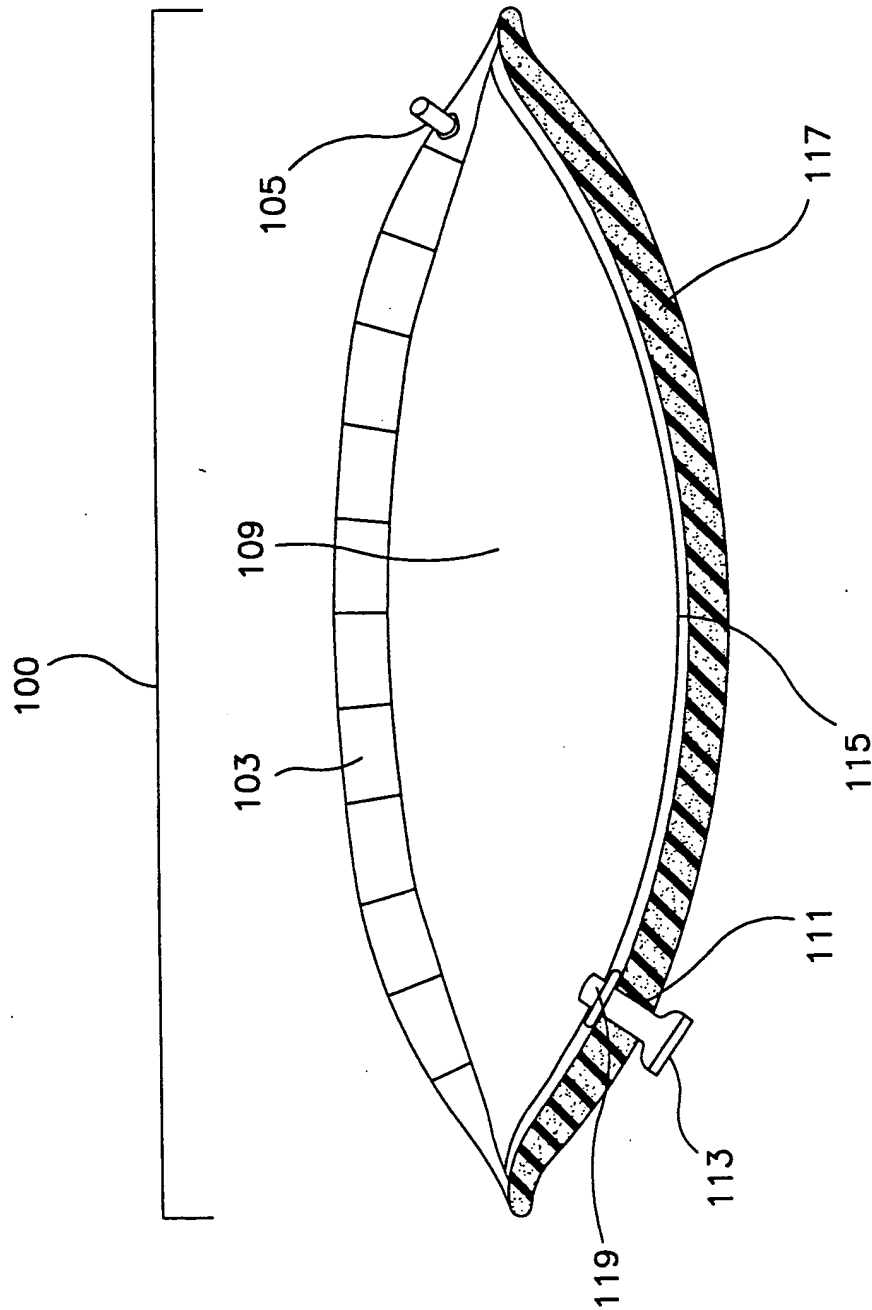


FIG. 1(A)

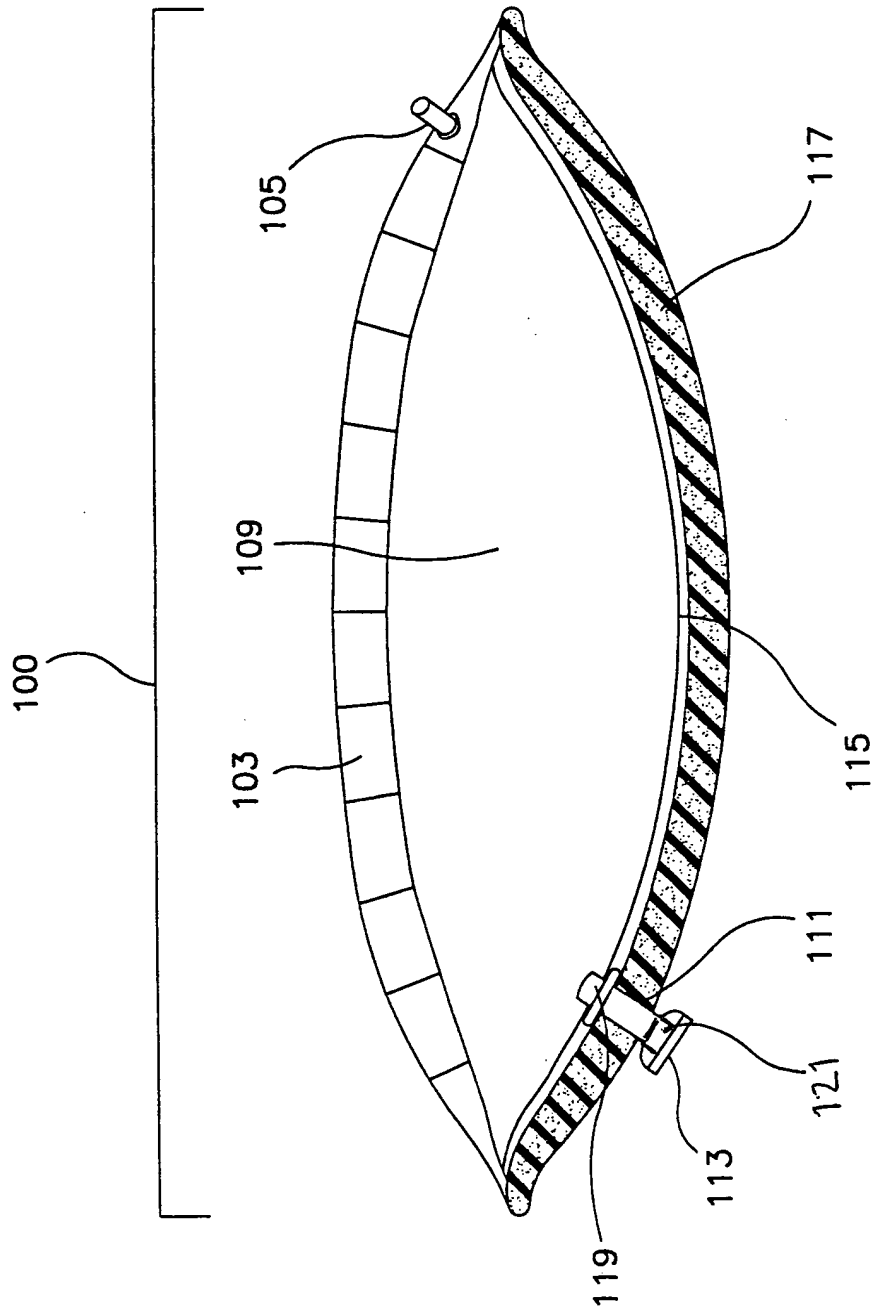


FIG. 1(B)